



## Working for Rights in Guatemala Has Never Been More Dangerous

Jorge Santos, director of the Unit for the Protection of Human Rights Defenders Guatemala (UDEFEGUA), understands repression, its forms and particularities. He has analyzed the repression in Guatemala for more than a decade. Now he's experiencing it himself.

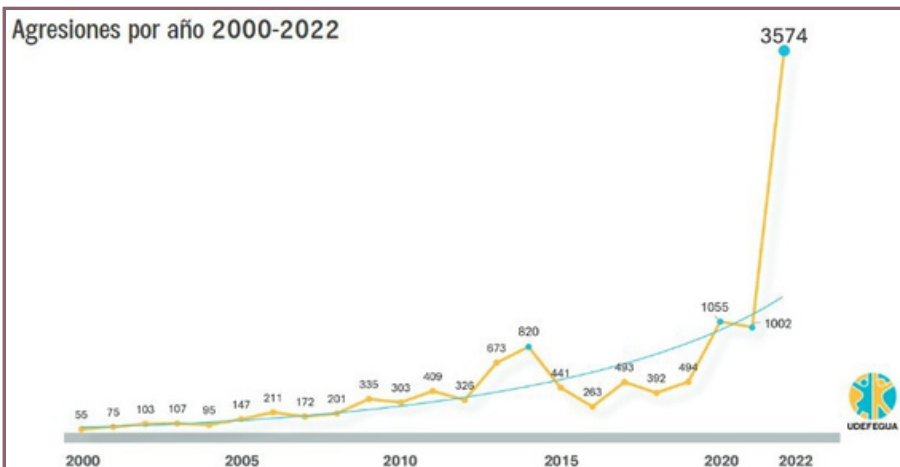
When we conducted an interview with Jorge Santos in early May, neither GHRC nor Santos knew he would soon be facing the very kind of persecution he describes as a pattern. On May 18, the key witness in the case against renowned journalist José Rubén Zamora defamed Jorge Santos in his testimony. GHRC, joined by 25 other human rights organizations, issued a statement of support for Jorge and for UDEFEGUA. Jorge Santos has our admiration and respect as he and UDEFEGUA work to protect rights in what is becoming an ever more dangerous situation. Since 2021, 22 journalists have fled the country. Even basic democratic norms are waning. Three presidential candidates have been barred from running in Guatemala's upcoming elections. Guatemala has refused to allow a visit by the Inter-American Commission on Human Rights, which in its annual reports for the last two years has categorized Guatemala as a serious human rights violator.



UDEFEGUA Director Jorge Santos

Given its prominence and importance, that UDEFEGUA has emerged as a target is not surprising. For the past 23 years, UDEFEGUA has documented, investigated, and kept statistics on attacks against human rights defenders. UDEFEGUA's annual reports are cited by the US State Department, the United Nations, the European Parliament, and other decision-making bodies. The organization also assists human rights defenders under attack. According to UDEFEGUA, the number of attacks against human rights defenders tripled from 2021 to 2022.

UDEFEGUA has worked against this upward trend in attacks, pressing for a public policy to protect human rights defenders. Although the Inter-American Court in 2014 ordered the Guatemalan government to develop and implement such a policy, the Guatemalan government has failed to do so. Instead, the situation for human rights defenders has become ever more dire, and rather than protecting defenders, the government has become the main perpetrator of attacks. This has not kept defenders like Jorge from speaking out. In the interview that follows, he explains the increasingly dangerous situation those defending human rights face in Guatemala.



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## GHRC Mission

The Guatemala Human Rights Commission/USA (GHRC) is a nonprofit, grassroots, solidarity organization dedicated to promoting human rights in Guatemala and supporting communities and activists who face threats and violence. GHRC documents and denounces abuses, educates the international community, and advocates for policies that foster peace and justice.

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# GHRC Welcomes Marta!



We are proud to announce that Marta Estela Gutiérrez Montúfar has joined our Guatemala team! Marta received her Masters degree from the University of San Carlos and since then has worked with an array of human rights organizations and think tanks as a researcher, writer, and organizer. As a researcher, she has worked at the Association for the Advancement of Social Sciences (AVANCSO), the Latin American School of Social Sciences (FLACSO), and Rafael Landivar University. She has also worked with the Association for the Integral Development of Victims of Violence in the Verapaces, Maya Achi (ADIVIMA). We are excited to have Marta join our team. Welcome to GHRC, Marta!

Because of the generosity of supporters like you, we've been able this year to—

- Meet with officials of the National Security Council, Vice President's Office, USAID, and State Department on the Biden Administration's new Central America investment strategy
- Brief 15 congressional offices on human rights in Guatemala
- Issue 4 urgent actions that resulted in hundreds of letters of concern to the Guatemalan Embassy
- Investigate municipal mayors' links with drug-trafficking and human rights abuses and inform communities and US government officials of these links
- Provide housing and accompaniment to Achi women survivors of violence as trials of their aggressors are underway
- Provide logistical support, analysis, and accompaniment to the legal team in the Alaska massacre case
- Send 5 monthly human rights updates to more than 100 congressional offices
- Contribute to a congressional resolution on environmental defenders and support a US Senate bill mandating the development of a government-wide strategy to support human rights defenders

Thank you for helping us help the Guatemalan people!

*Interview with Jorge Santos, continued from page 1*

**Since UDEFEGUA began recording attacks on human rights defenders, which year has been the most violent on record?**

Definitely, 2022. When you look at all of the registries from each year from 2000 to 2022, you can see a sustained increase in attacks against human rights defenders in recent years. In particular, the phenomenon of criminalization has taken off, which also includes defamation and stigmatization. During the administration of Otto Pérez Molina, aggressions rose significantly; in 2014 we registered over 820 attacks. This is important. You can see this with the arrival of the Patriota Party under Pérez Molina. He was a retired military leader and is connected to grave human rights violations and serious acts of corruption. With someone like that rising to power and assuming the position of head of state, what happened, in turn, was the worsening of the situation for human rights defenders.

Then in 2015, when investigations began—aided by CICIG (the International Commission Against Impunity in Guatemala) and the FECCI (Special Prosecutor's Office Against Impunity)—into acts of impunity and corruption, the number of attacks on defenders fell by 50 percent. In 2016, it practically fell 75 percent in relation to 2014. What this demonstrates is that if you investigate, identify, and prosecute criminal structures, there will be lower levels of politically motivated attacks in the country. So in 2016, these mafias reorganized themselves and began their campaign to expel CICIG.

After that, they worked to complete the total capture of the institutions in Guatemala. We have once again a rise in attacks and violence that amounted to 3,570 aggressions registered last year. Practically, what's happened is that these mafias have taken control of the state once again in order to protect themselves and promote impunity for their crimes of corruption, and they rely on violence to maintain their status.

**"All of the state institutions have been captured by these mafias, and it is through their control of the justice system that they are able to rely on criminalization as their main strategy to repress human rights defenders throughout the country."**

**Within all the statistics from last year, are there any patterns that you find particularly worrisome?**

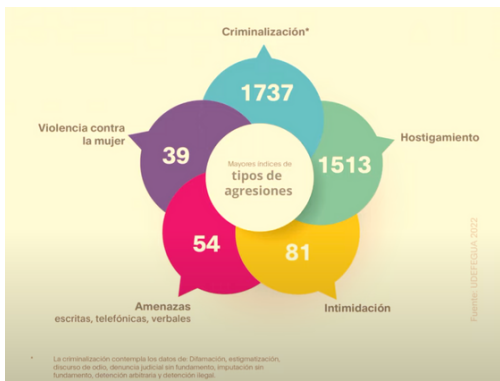
Yes, there is a clearly established pattern of criminalization. For us, we see the use of criminalization as the spine upholding the skeleton of repression in the country. Within criminalization, we've identified a pattern. First, it starts on social media, where groups defame and stigmatize human rights defenders. Twitter is the number one social media platform used to spread lies about human rights defenders. They have many names they use to stigmatize defenders. For example, when defenders are seeking justice for crimes committed during the war, they're called violent guerillas. When they are land and environmental defenders, they're called anti-development. Women defenders and feminist activists are called "feminazis." So you can see, there's already a series of categories and corresponding slurs to use against different kinds of defenders. After the online defamation, the next step is hate discourse and a call for violence against human rights defenders. Once the discourse is widely spread, they begin filing legal complaints against defenders. The charges, of course, are made up and not based on any factual evidence. The last step of the strategy is to deprive human rights defenders of their liberty through arbitrary detention. The pattern is more and more common and increasingly worrisome in the countryside.



Perpetrators of attacks on defenders in 2022  
Graph by UDEFEGUA

**Who is behind these attacks? What is driving the violence and criminalization?**

The majority of the attacks are coming from Guatemalan institutions, the major institution being the justice system. As I mentioned before, all of the state institutions have been captured by these mafias and it is through their control of the justice system that they are able to rely on criminalization as their main strategy to repress human rights defenders throughout the country. Now institutions like the Special Prosecutor's Office Against Impunity (FECCI), which was originally created to prosecute high-level corruption, have been converted into the main arm of the corrupt elite to persecute dissident voices. It's all the institutions. Even the National Civil Police have been carrying out a string of violent evictions recently, aimed at environmental defenders and their communities.



Type of assaults in 2022  
Graph by UDEFEGUA



In addition to the state, right-wing organizations are also driving the attacks. In many cases, these extreme-right organizations are the ones filing lawsuits against defenders. I think it's worth mentioning the "Foundation Against Terrorism," which is the leading alt-right organization that files the majority of these cases against defenders and is closely connected with the corrupt actors that have taken over the justice system. Their bogus cases go through because of these connections.

### How do you see the future for Guatemala?

Guatemala is essentially a dictatorship now, characterized by authoritarianism, repression, and violence. Sadly, this will be reflected in socio-economic indicators. I think we're going to see much more poverty, inequality, and malnutrition. People are going to struggle to survive. And all of this suffering will be a direct result of a small group of elites who wanted to preserve their privilege. As the situation worsens, I also see rising migration as people are forced to flee their homes to make room for extractive projects and lose their means of living. We've seen these trends not only in Guatemala but in other countries. If we want to support democracy in the country, we will have to reverse what has been done in the last five years. It will be difficult.

### Why now?

I think there's a clear timeline. For us, there was a point when there were significant advances in the justice system that helped guarantee human rights in Guatemala. But this, of course, worried the oligarchy in the country, which includes political and economic elites, and many retired military. There were some key moments that marked advancement in the justice system. In 2007, Guatemala signed an agreement with the United Nations to establish a UN-backed anti-corruption body to investigate high-level corruption, creating the CICIG.



Next, the appointment of Claudia Paz y Paz facilitated serious advances in land rights and justice for Indigenous communities. Another key moment was the trial against former dictator Efraín Ríos Montt for genocide. While this case was monumental, it was not the only key transitional justice case. In this time, over 100 members of the military structure that carried out genocide and crimes against humanity during the internal armed conflict were investigated. Organized crime was also being investigated. Rates of violence and impunity fell. Most importantly, powerful actors were also being held accountable to justice for the first time. So in 2013, after the genocide verdict came out, these powerful elites made their first attempt to take back the justice system.

The political elite responded to these advances and strategized a way to reverse the gains that had been made. They began to promote a regressive agenda. It was during this time that corrupt political, economic, and military elite joined together to create what we now call the "Corrupt Pact." And it is they who are driving this authoritarian regression that has reached the point of dictatorship in the country.

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**"The international community needs to understand Guatemala as a post-conflict state; a place where there was genocide, where grave human rights violations occurred. Guatemalan citizens want to strengthen democracy and live a dignified life."**

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### What can the international community do?

The international community has a central role to play. With the capture of the state of Guatemala, human rights defenders are the most impacted. The international community needs to understand Guatemala as a post-conflict state; a place where there was genocide, where grave human rights violations occurred. Guatemalan citizens want to strengthen democracy and live a dignified life.

What they need from the international community is support. The international community needs to condemn what is happening and send a strong message before history is repeated.

### Is there hope?

Yes, there is hope! Of course, from an institutional standpoint, it's hard to see the hope, but the people of Guatemala are tenacious. To see an Indigenous woman [Thelma Cabrera] aiming at the presidency, who helped create a political party through the efforts of Indigenous communities to protect their rights, is hopeful. The Guatemalan people have fought oppression for over 500 years and we haven't stopped yet. I find that hopeful.



# Guatemalan Elections and Human Rights: The Connections Between Colonial Power and Criminality

*A view from the ground*

by Isabel Solis

Every four years political races give Guatemalans the opportunity to witness a grotesque spectacle of money squandering, campaign illegalities and institutionalized deceit. Guatemalans on June 25 will elect the president of Guatemala, 160 members of Congress, and 360 municipal mayors. According to the Migration Policy Institute and the Supreme Electoral Tribunal, 9,372,164 Guatemalans, including 88,938 immigrants, are eligible to vote. But the elections are taking place in an environment of generalized distrust that is far from responding to the needs and interests of the majority of Guatemalans, both at home and abroad.

National polls are beginning to show four political parties as the preferred ones (Prosperidad Ciudadana, UNE, Valor, and Cabal). However, 23 political organizations are registered on the ballots. This number does not include the groups and candidates for public positions that the Supreme Electoral Tribunal, the axis of the criminal consensus that runs the country, refused to register.



Isabel Solis, Guatemala City Director

## Corruption

Local authorities are linked to the national powers-that-be through acts of terror, the use of public monies, and the control of an extensive network of mafias that involve public officials and members of the state bureaucracy at the regional level. These individuals control the local tax collectors in indigenous communities. This positioning allows the regional authorities to act as intermediaries between sympathizers and the national and business elites that control the main political parties (Prosperidad Ciudadana, UNE, Valor and Cabal, among others). Added to these tactics are coercion, threats, and campaign promises of civic projects, including the completion of unfinished roads, as well as the promise of cash, the offer of jobs to professionals, and the obstruction and judicial persecution of opponents seeking to participate in popularly elected positions. Article 233 of the Electoral and Political Parties Law prohibits these activities, but presently the law in Guatemala does not protect democracy, as it is at the service of the criminals who wish to continue governing the country. The election-time malfeasance of the members of these networks and their sympathizers affects the daily lives of families in Indigenous territories and exacerbates community rifts, as one candidate and another divide families and communities, wooing them with false promises to gain their support.

**"People hold out hope that one day Indigenous authorities and communal aspirations will prevail."**



## Exclusion of the Indigenous

While Guatemala has an indigenous majority population, the needs of these communities do not come up in the political campaigns of the mafia politicians. In their speeches, there is no mention of indigenous peoples, much less their collective rights. Yet this country is made up of a majority of indigenous people. Several indigenous communities have said enough is enough, deciding that they will not accept any "state aid" at election time. To deny the existence of indigenous peoples is a serious violation of their human rights, and this lived experience of the Indigenous peoples has been their main motive in demanding compliance with national laws and international conventions such as ILO 169 that require respect for Indigenous lands and territories, as well as Indigenous forms of organization and management of these resources.

The current model of governance seeks the inclusion only of individuals and continues to impede and disrespect the collective participation of the Indigenous peoples. The accepted instruments of participation instead are government schemes that not only seek to divide but also blur the communities' own forms of organization. It is this system precisely that Indigenous peoples have resisted for hundreds of years.

All the same and in the meantime, the people hold out hope that one day Indigenous authorities and communal aspirations will prevail over the mafias that govern the country, and that the extraction of wealth through extractive projects and taxation will come to an end.



# In Guatemala, Determination Outweighs Despair

by Rob Mercatante

I had been away from Guatemala for almost three years. I hadn't intended to be away for so long, but the COVID crisis bled into a family crisis that forced me to work remotely from the States until just recently.

The possibility of returning to Guatemala and reconnecting with friends, coworkers, human rights defenders, and communities in resistance filled me with joyful anticipation. At the same time, I was excited to see how my "home away from home" had changed during these years in self-imposed exile.

My first day back I headed out to the symbolic, if not the geographical, heart of the city... Zona 1. With eyes wide open, I joined the river of humanity flowing along the Sexta Avenida. It was wonderful to be back in the vibrant city, strolling along the avenue with families, shoppers, vendors, and street performers.



I confess that I was surprised by how little had changed. A favorite café gone. A new Taco Bell by the market. But all in all, it looked much like the city I had departed in 2020. In a way, I found it comforting, knowing that most of my familiar haunts and hangouts remained unchanged.

Unfortunately, after just a few days back, I realized that the phrase "the more things change, the more they stay the same" could also describe Guatemala's current political situation. Even that description is probably too optimistic. Developments that were worrisome three years ago have only grown more dire and dangerous.

Human rights defenders in Guatemala have always suffered defamation, harassment, criminalization, threats, and attacks. This is nothing new.

Recently however, a group of nefarious actors, known as the "pact of the corrupt"--military officials, far-right politicians, members of the economic elite, and organized crime-- have been aggressively attempting to weaken the rule of law and to debilitate democratic institutions. They have been frighteningly effective in their efforts.



Rob Mercatante GHRC's Board Secretary, has lived and worked for human rights in Guatemala almost continually since the mid-1980s.

It's no exaggeration to say that the entire network of support for human rights defenders is under attack. Not since the end of the armed conflict have the structures that promote human rights and protect defenders been so besieged.

The Guatemalan justice system has been compromised. Anticorruption efforts have not only been halted, but the few advances are being reversed. Criminalization of human rights defenders is on the rise. Journalists, judges, and prosecutors who sought to dismantle the networks of corruption involving politicians and organized crime have been forced to flee the country, are facing trial, or are already in prison.

Meanwhile the "pact of the corrupt" celebrate gleefully on social media as the justice system crumbles.



2023 is an election year in Guatemala. Yet even the right to political participation has been severely curtailed. Several progressive candidates who represent the best hope for positive reform have been denied the right to run as candidates. Meanwhile, a former president accused of corruption, the right-wing daughter of a genocidal dictator, and a politician jailed in the U.S. for laundering drug money are all actively campaigning.

Even a quick glance at the "approved" slate of candidates reveals the not-so-hidden objectives of the "pact of the corrupt": to promote extractive industries, end anti-corruption efforts, halt the investigation and prosecution of war crimes, permit the flow of drugs to the U.S., facilitate money laundering, and limit any oversight by the international community.

Not surprisingly, this full-frontal attack on human rights, democratic institutions, and international mechanisms of protection has created a sense of despair among those who dream of, and who have dedicated their lives to fighting for, a better Guatemala.

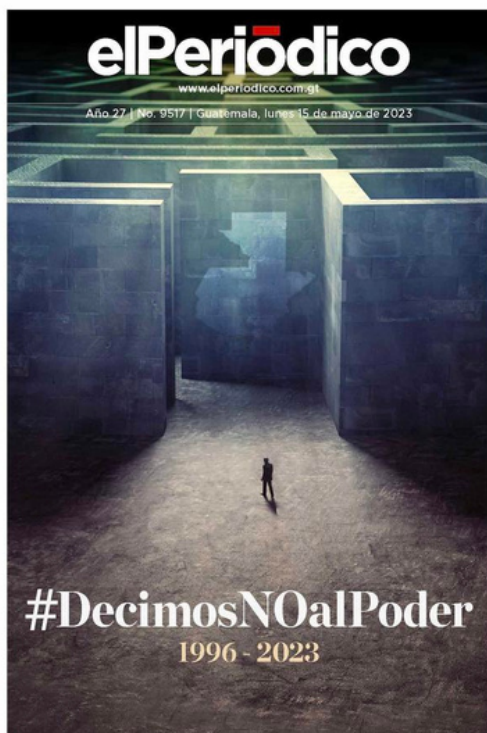
Even in the darkest moments of the past, there were rays of hope which helped guide and inspire defenders: the return of Guatemalan refugees from Mexico, Rigoberta Menchú being awarded the Nobel Peace Prize, the Peace Process, the signing of the Peace Accords, the transformation of the URNG from revolutionary movement to political party, the installation of the CICIG to combat corruption, the trial of General Ríos Montt and other military officials for genocide and crimes against humanity, the victory of La Puya in defending their environment from a US mining corporation, etc.

Today it's harder to find hope. There is, among the defenders I spoke with, a sense of discouragement. A palpable malaise. A feeling that there is nowhere left to turn.

As I heard more and more from human rights defenders, I grew increasingly concerned and, frankly, depressed. But one afternoon I bumped into human rights lawyer Edgar Pérez in the produce section of my local supermarket. He agreed that the situation is dire and that the despair is real. But then he chided me: "That's not a reason to stop fighting for our rights. On the contrary, it should motivate us all the more."

He's right, of course. Indigenous communities defending the environment from the damages caused by extractive industries haven't stopped fighting. Journalists committed to publishing the truth haven't stopped fighting. Independent judges bringing high-ranking military officials to justice for their crimes of the past haven't stopped fighting. Investigators and prosecutors dismantling the structures of organized crime in politics haven't stopped fighting. And the Guatemala Human Rights Commission, standing with human rights defenders, hasn't stopped fighting.

Despite the challenges and risks --despite the despair-- the important work of advocacy, solidarity, and accompaniment must go on. We are proud to stand by the Guatemalan people in their struggle for a society where all can live with dignity and in full enjoyment of their rights.



In the last edition of his newspaper El Periodico, which in May was forced to close, jailed journalist Jose Ruben Zamora said, "Despite the fatigue, the severe adverse conditions, the humiliation and scorn, I will not give up my fight for freedom and democracy in Guatemala." Neither will we. We are proud to stand by the Guatemalan people in their struggle for a society where all can live with dignity and in full enjoyment of their rights.





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